

REMARKS/ARGUMENTS

Claims 1, 2 and 10-27 are now pending in the present application. Claims 1, 16, 20 and 24 have been currently amended. Claims 3-8 and 9 were previously canceled in earlier amendments. Support for the amended and new claims can be found throughout the specification and in the original claims. Particular, support for amended Claim 1 can be found on pages 1, 2-3, 5, 16-18 (description of component (D)), 28-30 (Examples 1 and 4), 31, 32 and 35 of the specification. Particular support for amended Claims 16 and 24 can be found on page 12 of the specification. Claim 20 was amended to correct a typographical error. No new matter is believed to have been introduced by the amendments.

Applicants respectfully request that the Examiner review and send return acknowledgement of the related cases submitted in Information Disclosure Statements filed March 12, 2002 and April 23, 2002.

Applicants' representatives wish to thank the Examiner for the courteous discussion on April 19, 2004. At that time, Applicants' representatives discussed, in Claim 1, the recitals directed to the exclusion of a phosphate-containing flame retardant and the exclusion of a halogen flame retardant containing Cl, Br or I. The following is intended to expand upon the discussion with the Examiner.

Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected Claims 1, 2 and 10-27 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection for the following reasons.

Applicants respectfully submit that the application does not need to describe the claimed invention in *ipsis verbis*; all that is required is that it reasonably convey to persons skilled in the art that, as of the filing date thereof, the inventor had possession of the subject

matter later claimed. See *In re Edwards*, 568 F.2d 1349, 1351-1352, 196 U.S.P.Q. 465 (C.C.P.A. 1978).

Applicants have amended Claim 1 to recite that the composition does not contain a halogen-containing flame retardant, other than component (D). This limitation is supported in the specification on pages 1, 5, 16-18 (component (D)), 28-30 (Examples 1 and 4, alone, and in comparison with Comparative Example 8), 31 (Comparative Example 8), 32 and 35. Applicants also submit that support for the lack of phosphate-containing flame retardant (not “phosphorus-containing”) can be found on pages 2-3, 28-30 (Examples 1 and 4, alone, and in comparison with Comparative Example 7) and 31 (Comparative Example 7) of the specification. Thus, Applicants submit that these recitals in now pending Claim 1 are definite and supported by the written description. Therefore, the rejection should be withdrawn.

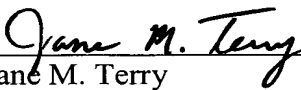
The Examiner rejected Claims 1, 2 and 10-27 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants respectfully traverse this rejection for the following reasons.

Applicants have amended Claim 20 to correct the typographical error noted on page 3 of the present Office Action. Applicants have amended Claim 1 to state that the core of the grafted rubbery elastomer comprises a polymer prepared from alkyl acrylate or alkyl methacrylate monomers; or alkyl acrylate or alkyl methacrylate monomers, each with one or more additional monomers; or a polysiloxane rubber. Thus, the core may comprise polymer prepared from alkyl acrylate or alkyl methacrylate monomers; or copolymers prepared from alkyl acrylate or alkyl methacrylate monomers, each with one or more additional monomers. Applicants respectfully submit that these amendments obviate the rejection, and request the withdrawal of this rejection.

Applicants submit that the application is now in condition for allowance, and early notice of such action is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Jane M. Terry
Registration No. 53,682

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)